

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.

CASE NO.: 13-53846  
CHAPTER 9

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**APPELLANT CITY OF DETROIT, MICHIGAN'S  
DESIGNATION OF THE CONTENTS OF THE RECORD AND  
STATEMENT OF ISSUES ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, appellant City of Detroit, Michigan (the "City") submits this designation of the contents of the record and statement of issues on appeal regarding the City's Notice of Appeal [Doc. No. 6691] filed on August 13, 2014, pursuant to 28 U.S.C. § 158(a)(1) and Rule 8001(a) of the Federal Rules of Bankruptcy Procedure from the Order Granting Allen Park Retirees Associations Motion for Clarification and Relief from the Court's Order Pursuant to Section 105(a) of the Bankruptcy Code Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non- Officer Employees, and (C) Agents and Representatives of the Debtor (Doc. No. 5455) [Doc. No. 6401] entered on July 30, 2014.

**Statement of Issues**

1. Whether the Bankruptcy Court erred in holding that the Order Pursuant to Section 105(a) of the Bankruptcy Code Extending the Chapter 9 Stay

to Certain (A) State Entities, (B) Non Officer Employees and (C) Agents and Representatives of the Debtor entered on July 25, 2013 [Doc. No. 166] does not apply to the Allen Park Retiree Case<sup>1</sup> where the Complaint contains allegations that that PA 436<sup>2</sup> is facially unconstitutional, and a holding in the Allen Park Retirees Case that PA 436 is unconstitutional could pose serious questions regarding the validity of actions taken by Detroit's Emergency Manager in the Bankruptcy Case.<sup>3</sup>

2. Whether the Bankruptcy Court erred in concluding that "a finding by another court that P.A. 436 is unconstitutional will not automatically result in the removal of Kevyn Orr. Further action would need to be taken, and any such further action is subject to the automatic stay" where a holding in the Allen Park Retirees Case that PA 436 is unconstitutional could render PA 436 void *ab initio*, and thus, could pose serious questions regarding the validity of actions taken by the City's Emergency Manager in the Bankruptcy Case.

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<sup>1</sup> *Allen Park Retirees Association, et al. v. The State of Michigan*, Case No. 13-000164-MZ, State of Michigan Court of Claims.

<sup>2</sup> Public Act 436 of 2012 of the State of Michigan, also known as the Local Financial Stability And Choice Act, Mich. Comp. Laws §§ 141.1541-141.1575.

<sup>3</sup> *In re City of Detroit, Michigan*, United States Bankruptcy Court for the Eastern District of Michigan, Case No. 13-53846.

## **Designation of Items**

Appellant designates items from the Bankruptcy Court docket to be included in the record on this appeal to the United States District Court for the Eastern District of Michigan, as listed on the Appendix, attached hereto.

Dated: August 27, 2014

Respectfully submitted,

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ATTORNEYS FOR THE CITY OF DETROIT

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 27, 2014, I electronically filed Appellant City of Detroit, Michigan's Designation of the Contents of the Record and Statement of Issues on Appeal with the Clerk of the Court for the United States Bankruptcy Court, Eastern District of Michigan, Southern Division using the ECF System, which will send notification of such filing to all attorneys and parties of record registered electronically.

Dated: August 27, 2014

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